

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: S.C.M. Lin

Certificate of Transmission
Pursuant to 37 C.F.R. § 1.8

Serial No.: 10/092,685

For: Electrical Contact
Arrangement for
Hearing Instruments

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/Joel Miller/ December 13, 2007
Signature Date of Signature

Filed: March 7, 2002

Art Unit: 2646

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Examiner: Phylesha L. Dabney

Att'y Dkt.: 2002 P 3667 US 02

Pre-Appeal Brief Request for Review

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via EFS-Web

Sir:

Applicant requests review of the rejection of claims 1-12.

No amendments are being filed with this request. A notice of appeal
accompanies this request.

Claims 1-12 were finally rejected as anticipated by U.S. Patent
No. 6,678,386 (Robinson et al.) in a 06/28/07 office action. The applicant filed
a 07/11/07 request for pre-appeal brief review and prosecution was reopened
as set forth in an 08/27/07 notice of panel decision. In the 11/01/07 non-final
office action, claims 1-12 were again rejected as anticipated on the same basis
as set forth in the 06/28/07 final office action, and claims 1, 2, 5, 6, 9, and 10

were rejected under 35 U.S.C. § 112, ¶ 1, as failing to meet the written description requirement.

With regard to the § 112, ¶ 1 rejection, the applicant notes that the language set forth on page 2, ¶ 4, of the office action, namely, “the battery door in the faceplate such that the battery door opens and closes relative to the housing,” is not found in the claims. Therefore, the rejection is unfounded and should be withdrawn.

With respect to the § 102 rejection, the claims distinguish over the reference for the reasons stated in the 07/11/07 request for pre-appeal brief review, pp. 1-2.

Conclusion

For at least the foregoing reasons, the claims comply with the written description requirement, and are neither anticipated nor rendered obvious by the art. Reconsideration is requested.

Dated: December 13, 2007

Respectfully submitted,

/Joel Miller/
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